

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 17, 2012**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Trail. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Drew Nelson, Page.

Approval of Journal

January 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 363](#), [H 364](#), [H 365](#), and [H 366](#).

WILLS, Chairman

[H 363](#), [H 364](#), [H 365](#), and [H 366](#) were referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE PROCLAMATION NO. 5 BY TRANSPORTATION AND DEFENSE COMMITTEE A PROCLAMATION

COMMENDING THE CITIZENS OF ADA COUNTY FOR THEIR FORESIGHT IN THEIR CREATION OF THE ADA COUNTY HIGHWAY DISTRICT AND COMMENDING THE ADA COUNTY HIGHWAY DISTRICT FOR FORTY YEARS OF EXEMPLARY SERVICES TO ITS CUSTOMERS.

We, the members of the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby proclaim:

WHEREAS, House Bill 274 enacted on March 25, 1971, by the members of the First Extraordinary Session of the Forty-first Idaho Legislature, allowed voters in Ada County to consider the question: "Shall this county be served by one county-wide highway district for all city streets and county secondary roads?";

WHEREAS, on May 25, 1971, roughly two-thirds of the voters backed the novel measure, an indication of the widespread dissatisfaction with the local road system and the tax structure for transportation funding at the time;

WHEREAS, the Ada County Highway District (ACHD) began operations in January of 1972, assuming the planning, maintenance and construction of local streets and roads throughout Ada County;

WHEREAS, taxes paid by residents within Boise City and Ada County decreased over the first two full years of ACHD's operations, while the amount of road maintenance and construction increased;

WHEREAS, Ada County's local roads today are rated as among the best in the Pacific Northwest based on the Pavement Condition Index and other objective measures.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that the citizens of Ada County be commended for their foresight and that the Ada County Highway District be congratulated for forty years of exemplary services to its customers.

[HP 5](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 367 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO FEDERAL TRANSIT AUTHORITY; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-528, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DESIGNATED RECIPIENTS FOR FEDERAL TRANSIT ADMINISTRATION FUNDING.

HOUSE BILL NO. 368 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE STATEWIDE COMMUNICATIONS INTEROPERABILITY EXECUTIVE COUNCIL; AMENDING SECTION 2, CHAPTER 292, LAWS OF 2006, TO EXTEND THE SUNSET DATE; AMENDING SECTION 46-1204, IDAHO CODE, TO REVISE RESPONSIBILITIES; AMENDING SECTION 46-1207, IDAHO CODE, TO PROVIDE FOR THE POSITION OF OPERATIONS MANAGER; AMENDING SECTION 46-1211, IDAHO CODE, TO REVISE COUNCIL MEMBERS; AND AMENDING SECTION 46-1212, IDAHO CODE, TO REMOVE ARCHAIC LANGUAGE REGARDING COUNCIL MEMBER TERMS.

HOUSE BILL NO. 369 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE MILITARY DIVISION; AMENDING CHAPTER 8, TITLE 46, IDAHO CODE, BY THE ADDITION

OF A NEW SECTION 46-806, IDAHO CODE, TO CREATE THE MILITARY DIVISION SUPPORT FUND IN THE STATE TREASURY, TO PROVIDE THAT MONEYS IN THE FUND ARE PERPETUALLY APPROPRIATED AND TO PROVIDE DUTIES OF THE BOARD OF EXAMINERS AND THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE FUND.

HOUSE BILL NO. 370

BY TRAIL

AN ACT

RELATING TO MEDICAL MARIJUANA; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE FOR REGISTRATION, TO PROVIDE FOR CERTIFICATION, TO PROVIDE FOR PROTECTION AGAINST CERTAIN PENALTIES AND DISCIPLINE, DENIAL OF RIGHTS AND PRIVILEGES, SEARCHES, ARRESTS AND PROSECUTIONS, TO PROVIDE FOR ALTERNATIVE TREATMENT CENTERS, TO PROVIDE THAT CERTAIN ACTIVITIES ARE PROHIBITED, TO PROVIDE THAT CERTAIN ACTIVITIES SHALL CONSTITUTE MISDEMEANORS, TO PROVIDE FOR OTHER OFFENSES, TO PROVIDE FOR THE DISPENSATION OF MARIJUANA, TO PROVIDE FOR AN EXEMPTION FROM CRIMINAL LIABILITY AND TO PROVIDE A BURDEN OF PROOF, TO PROVIDE FOR THE RECEIPT OF FUNDS AND FEES, TO PROVIDE FOR REPORTS BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO THE GOVERNOR AND THE LEGISLATURE, TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE REQUIRED, TO PROVIDE FOR STATE IMMUNITY FROM LIABILITY, TO PROVIDE FOR RULEMAKING AND TO PROVIDE FOR AN ADVISORY COMMITTEE.

HOUSE BILL NO. 371

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERANS HOMES; AMENDING SECTION 66-901, IDAHO CODE, TO PROVIDE THAT ANY PARENT WHOSE CHILD DIED WHILE SERVING IN THE ARMED FORCES SHALL BE ELIGIBLE FOR ADMISSION TO IDAHO STATE VETERANS HOMES.

HOUSE BILL NO. 372

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MINERAL RIGHTS ON STATE LANDS; AMENDING SECTION 47-718, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO REVISE THE INTEREST RATE FOR CERTAIN VIOLATIONS RELATING TO MINERAL EXTRACTIONS ON STATE LANDS.

HOUSE BILL NO. 373

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LIQUOR DIVISION; AMENDING SECTION 23-105, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-201, IDAHO CODE, TO CORRECT A CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO THE DIVISION AND THE DIRECTOR OF THE DIVISION; REPEALING SECTION 23-204, IDAHO CODE, RELATING TO SUCCESSORS TO

PROPERTY OF FORMER ADMINISTRATORS; REPEALING SECTION 23-205, IDAHO CODE, RELATING TO THE SECRETARY AND THE APPOINTMENT, TERM AND DUTIES; AMENDING SECTION 23-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF THE DIRECTOR; AMENDING SECTION 23-211, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-214, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ESTABLISHING AND MAINTAINING OF LIQUOR STORES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-304, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-305, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-306, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-309, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-406, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-407, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-607, IDAHO CODE, TO REVISE EXEMPTIONS FROM PROVISIONS RELATING TO CERTAIN ADVERTISING; REPEALING SECTION 23-609, IDAHO CODE, RELATING TO INTERNAL REVENUE RECEIPT AS PRIMA FACIE EVIDENCE; AMENDING SECTION 23-611, IDAHO CODE, TO PROVIDE A REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE; AND AMENDING SECTION 23-914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PURCHASE OF LIQUOR BY LICENSEES AND THEN SOLD BY LICENSEES.

[H 367](#), [H 368](#), [H 369](#), [H 370](#), [H 371](#), [H 372](#), and [H 373](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 355](#) - INTERNAL REVENUE CODE

[H 355](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 355](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Trail. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 355](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 18, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:15 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk